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Your ref 1:20-cv-9692-VEC

Kennedys

Our ref 896138

The Honorable Valerie Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: Savino Del Bene, U.S.A, Inc. v.
Commercial Lynks, Inc.
20-cv-9692-VEC**

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27 January 2021

Dear Judge Caproni:

We are attorneys representing Plaintiff, Savino Del Bene U.S.A., Inc. ("Savino") in the above captioned matter and refer to the several attempts made by Chambers to contact me with regard to this Friday's Pre-Trial Conference. I apologize to the Court for my apparent disappearance and my failure to provide the Court with the Ordered joint letter and proposed Case Management Plan by January 21, 2021. While it is certainly no excuse, by way of explanation, I have been sick now for over two weeks with something that has kept me mostly bedridden. Generally, my absence would have been noted and arrangements would have been made to address all of my scheduled deadlines. Having been working from home, outside of Buffalo, since March, my absence went unnoticed. The responsibility is mine and I failed to ensure that my commitments were covered. I hope that my delay has not inconvenienced the Court.

As the Court will note, we effected service on the Defendant, Commercial Lynks, Inc., on January 15, 2021. We have been contacted by Commercial Lynks' counsel who has requested a twenty (20) day extension of time in which to answer and/or move with regard to the complaint. With the Court's permission, I would like to extend that courtesy. That would make Defendant's responsive pleadings due on February 5, 2021. We would also ask that the Court adjourn the initial Pre-Trial Conference to a date after February 5, 2021. Further, we ask that the Court adjourn the date by which the joint letter and Case Management Plan is due to a date convenient for the Court to coincide with the adjourned date for the Pre-Trial Conference.

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We thank the Court for its consideration of this request and again, I apologize to the Court and Chambers for my absence over the past two weeks.

Respectfully,

/S/ John A. Orzel

John A. Orzel
Partner
for Kennedys CMK, LLP.

cc: Robert Ernest, Esq.
Nicholas J. Nesgos, Esq.
Arent Fox
Counsel for Commercial Lynks, Inc.

The initial pretrial conference currently scheduled for Friday, January 29, 2021 at 3:00 P.M. is hereby adjourned to **Friday, February 12, 2021, at 11:30 A.M.** All parties and any interested members of the public must attend by dialing 1-888-363-4749, using the access code 3121171, and the security code 9692. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak. Recording or rebroadcasting the proceeding is strictly prohibited by law.

Pre-conference submissions are due no later than **Thursday, February 4, 2021**. The parties should consult the Court's January 7, 2021 Order for information about the required pre-conference submissions. *See* Dkt. 7.

Plaintiff's request that Defendant's time to answer the Complaint be extended by 20 days is GRANTED. Defendant must answer, move, or otherwise respond to the Complaint by no later than **Thursday, February 25, 2021**. Additionally, Defense counsel must file a Notice of Appearance promptly.

SO ORDERED.



Date: January 27, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE